

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**EIGHT MILE STYLE, LLC; MARTIN)
AFFILIATED, LLC,)
Plaintiffs,)
v.)
SPOTIFY USA INC.; HARRY FOX)
AGENCY, LLC,)
Defendant.)**

**Case No. 3:19-cv-00736
Judge Trauger/Frensley**

**SPOTIFY USA, INC.,)
Third-Party Plaintiff,)
v.)
KOBALT MUSIC PUBLISHING)
AMERICA, INC.)
Third-Party Defendant.)**

ORDER

This matter is now before the Court upon two Motions related to Spotify's recent Motion for Protective Order Barring the Deposition of Daniel Ek ("the underlying motion"). Docket No. 221. The first is Plaintiffs' Motion for Leave to File Sur-Reply and to File Under Seal. Docket No. 232. The second is a Joint Motion to Replace Documents with Redacted Versions, filed by Plaintiffs and Defendant Harry Fox Agency, LLC ("HFA"). Docket No. 234. For the reasons set forth below, both Motions (Docket Nos. 232 and 234) are GRANTED.

Plaintiffs' Motion for Leave to File Sur-Reply and to File Under Seal requests the Court's permission to file a sur-reply in further opposition to the underlying motion, and to file the proposed sur-reply under seal because it quotes portions of confidential deposition testimony that has already been sealed by the Court. Docket No. 232, p. 2; *see* Docket Nos. 227, 229. Plaintiffs indicate that Spotify does not oppose the relief requested. Docket No. 232, p. 2.

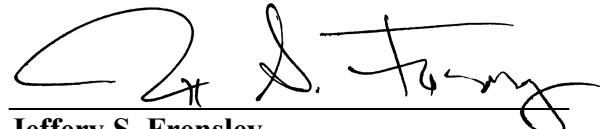
The Court finds that the proposed sur-reply is helpful in assisting the Court's consideration of the underlying motion. Further, the Court finds that the sur-reply should be filed under seal for the reasons stated in the instant Motion and in keeping with Judge Trauger's previous Order addressing the same confidential material. *See* Docket Nos. 227, 229. Therefore, Plaintiffs' Motion (Docket No. 232) is GRANTED.

Plaintiffs' and HFA's Joint Motion to Replace Documents with Redacted Version seeks to replace two exhibits to Plaintiffs' Response in Opposition to the underlying motion with redacted versions. Docket No. 234. Plaintiffs assert that although they filed the exhibits in good faith, believing that neither contained confidential information, HFA later requested that the documents be filed under seal. *Id.* at 2. After meeting and conferring, Plaintiffs and HFA have agreed on redacted versions of the two exhibits that protect information that HFA has designated as Confidential. *Id.*

The Court has examined the documents at issue and determined that they appear to contain confidential information as described. Further, the redaction is minimal, and the Court did not rely on any of the redacted material in ruling on the underlying motion. Therefore, the proposed seal is narrowly tailored and the public is easily able to discern the Parties' arguments and the Court's decision based on the unredacted portions. Therefore, Plaintiffs' and HFA's

Motion (Docket No. 234) is GRANTED. The Clerk is directed to replace Docket No. 223-24 with Docket No. 234-1, and Docket No. 223-25 with Docket No. 234-2.

IT IS SO ORDERED.



Jeffery S. Frensley
United States Magistrate Judge